

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2014 JAN -6 P 3 18

LEVI T WHITE
PLAINTIFF

VS

AMSHER
Defendant

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}
}

Case No

CLERK 2 Burton
SO. DIST. OF GA.

CV 114 002

Judge _____

TRIAL BY JURY DEMAND

ORIGINAL COMPLAINT FOR VIOLATION OF THE FCRA

JURISDICTION

1. This court has jurisdiction under 15 U.S.C. § 1681 and 28 U.S.C. § 1331
2. All conditions precedent to the bringing of this action have been performed.

PARTIES

3. The Plaintiff in this lawsuit is Levi T. White, a natural person who resides in Richmond County, Georgia.
4. The Defendant in this lawsuit is AMSHER COLLECTION SERVICES, INC an unknown entity with offices at 600 Beacon Parkway Suite 300 Birmingham, Al 35209.

VENUE

5. The occurrences which give rise to this action occurred in Richmond county, Georgia and Plaintiff resides in Richmond county, Georgia.
6. Venue is proper in Southern District of Georgia.

GENERAL ALLEGATIONS

- 7. Plaintiff obtained his consumer credit reports from the three major credit reporting agencies and found entries by entities that he was unfamiliar with in his reports.**
- 8. Plaintiff found after examination of his TransUnion Consumer credit report that Defendant AMSHER COLLECTION SERVICES, INC had obtained Plaintiff's TransUnion consumer credit report in April 2012**
- 9. Discovery of violation brought forth herein occurred in October 2013 and are within the statute of limitation as defined in the FCRA, 15 U.S.C. § 1681p .**

COUNT 1

VIOLATION OF THE FAIR CREDIT REPORTING ACT (FCRA), 15 U.S.C. § 1681 WILLFUL NON-COMPLIANCE BY DEFENDANT AMSHER.

- 10. Paragraphs 1 through 9 are re-alleged as though fully set forth herein.**
- 11. Plaintiff is a consumer within the meaning of the FCRA 15 U.S.C § 1681a(c).**
- 12. TransUnion is a reporting agency with the meaning of the FCRA, 15 U.S .C. § 1681a(f).**
- 13. Consumer credit report is a consumer report within the meaning of the FCRA, 15 U.S .C. § 1681a(d).**
- 14. The FCRA, 15 U.S .C. § 1681 b defines the permissible purposes for which a person may obtain a consumer credit report.**
- 15. Such permissible purposes defined by 15 U.S.C. § 1681 b are generally, if the consumer makes application for credit, makes application for employment, for underwriting of insurance involving the consumer, or offered a bona fide offer of credit as a result of the inquiry.**

16. Plaintiff has never had any business dealing or any accounts with, made application for credit from, made application for employment with applied for insurance from, or received a bona fide offer of credit from the Defendant, AMSHER COLLECTION SERVICES, INC.

17. On April 3, 2012 defendant obtained the TransUnion consumer credit report for the Plaintiff with no permissible purpose in violation of the FCRA 15 U.S.C §1681b.

18. Plaintiff sent two notices, by certified mail, to AMSHER COLLECTION SERVICES, INC of their violation of the FCRA in an effort to mitigate damages and reach a settlement for their violation in obtaining Plaintiff's credit report before taking civil action against them. Defendant response did not address the issue of the FCRA violations to his correspondence.

19. At no time did Plaintiff give his consent for AMSHER COLLECTION SERVICES, INC to acquire his consumer credit report from any credit reporting agency.

20. The action of Defendant obtaining the consumer report of the Plaintiff with no permissible purpose or Plaintiff's consent was a willful violation of FCRA, 15 U.S.C. § 1681b and egregious violation of Plaintiff's right to privacy.

21. The Defendant had a duty to properly ascertain if there was any legitimate permissible purpose before obtaining Plaintiff credit report and Defendant breached said duty by failing to do so. There was no account that the Defendant had any right to collect to have had permissible purpose to obtain Plaintiff's credit report and therefore Plaintiff is entitled to damages.

WHEREFORE , Plaintiff demands judgment for damages against Defendant, AMSHER COLLECTION SERVICES, INC , for statutory damages of \$1000.00, any attorney's fees and costs pursuant to 15 U.S.C. § 1681n.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury of all issue so triable as matter of law

Dated January 06, 2014

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Levi T. White", is written over a horizontal line.

**Levi T. White
2225 Morningside Dr
Augusta Ga. 30904
706-294-8822**

Service to:

**AMSHER COLLECTION SERVICES, INC
600 Beacon Parkway
Suite 300
Birmingham, Al 35209.**